**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929**

**CRP.No. 2710 of 2002(D)**
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**I.A. NO.434/2002 IN OS.294/2000 of MUNSIFF COURT, KOCHI DT.17.10.02.**

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**REVN. PETITIONER: PETITIONER/PLAINTIFF:**
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**FRANCIS, S/O. LAWRENCE,**
**CHOORAKULATH HOUSE, KUMBALANGHI,**
**KOCHI TALUK.**

**BY ADV. SRI.K.G.BALASUBRAMANIAN**

**RESPONDENTS: RESPONDENTS/RESPONDENTS:**
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**1. LUCY GEORGE, W/O. GEORGE,**
**PULITHARA HOUSE, NEAR CHAKIAMURI CHURCH,**
**KUMBLANGHI VILLAGE, KOCHI TALUK.**

**2. MARY WILLIAM W/O. WILLIAM,**
**PATTALAM, PUTHTHUSSERRY, KOCHI-1.**

**3. KUMBALANGHI PANCHAYATH**
**REPRESENTED BY ITS SECRETARY, KUMBALANGHI.**

**BY ADV. SRI.N.N.SUGUNAPALAN (SR.)**
**SRI.M.K.CHETTIAR**
**SRI.K.MOHAN**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**M.N.KRISHNAN, J**

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**C.R.P. No.2710 OF 2002**

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**Dated this the 6th day of June, 2007**

**O R D E R**

This revision is preferred against the order of the Addl.Munsiff, Kochi in I.A.No.434 of 2002 in O.S.No.294 of 2000. The petition is one for issuance of a Commission and the suit is one for permanent prohibitory injunction from restraining the defendants from obstructing the petitioner in making any construction or putting up any structure in the plaint schedule property by way of permanent prohibitory injunction. Learned Munsiff has considered the matter in detail. There is a decree passed in A.S.No.34 of 1996 and a plan appended therein as Ext.A1. A suit was filed against the father of the present plaintiff as O.S.No.374 of 1993. Under the father the plaintiff is claiming right over the property. In order to agitate the dispute between the father and the respondent a Commissioner has been appointed and to start with the decree was refused and in appeal it appears that a decree has been granted and the same is pending before this court as S.A.No.552 of 1997.

2. The point in issue which the present plaintiff wants to agitate is

fully covered in the earlier suit though a final decision has not yet been rendered. It is true that a son cannot claim a better right than the father. There is considerable force in the order of the trial court that the plan which is accepted and marked as Ext.A1 in A.S.No.34 of 1996 is there regarding the property in dispute. Therefore I decline to interfere with the order passed by the learned Munsiff.

The civil revision petition fails and the same is dismissed.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**